

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No.: 15-20763-GLT
James N. Doman : Chapter: 13
Sharon A. Doman :
Debtor(s). : Date: 12/20/2017
Time: 10:00

FILED

DEC 21 2017

CLERK, U.S. BANKRUPTCY COURT
WEST DIST. OF PENNSYLVANIA

PROCEEDING MEMO

MATTER: #79 - Debtor's Motion For Contempt for Violation of the Automatic Stay PNC Bank NA
#84 - Supplemental Response by PNC Bank

APPEARANCES:

Debtor: Lawrence W. Willis
PNC Bank: Brett Solomon

NOTES:

Willis: Has not seen this sort of letter from a creditor before. Does not believe the Debtors were in default at the time the letter was sent.

Solomon: The letter is required by the CFPB regulations. The CFR says the letter must still be sent during bankruptcies. The default is not a plan default but rather a default under the contract terms.

Willis: A wage-attached Debtor has no control over how the trustee disperses payments to a creditor. The language about the right to invoke foreclosure causes a lot of stress.

Court: The opening paragraph about invoking foreclosure is concerning.

Solomon: It's taken verbatim from the appendix to the regulation.

Pail: The Bankruptcy Code would trump the regulations. Also, this plan is being paid per contract.

Court: Is this a rental property and not the residence?

Willis: Yes. The Debtors weren't panicked about losing their home but rather their rental property. No communication with counsel for the creditor prior to filing the motion.

Solomon: To the extent the Court determines sanctions are warranted, requests an evidentiary hearing to determine damages.

OUTCOME:

1. The Motion for Contempt [Dkt. No. 79] is taken under advisement. (Chambers to prepare.)

DATED: 12/20/2017